

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

KRISTEN A. MATEJKA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

CASE NO. 1:13-CV-1933

OPINION & ORDER
[Resolving Doc. No. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On September 4, 2013, Plaintiff Kristen Matejka filed a complaint seeking judicial review of Defendant Commissioner of Social Security's decision to deny her Social Security Disability benefits for lack of disability.^{1/} Under Local Rule 72.2, the Court referred the petition to Magistrate Judge Kathleen B. Burke for a Report and Recommendation. On June 10, 2014, Magistrate Judge Burke issued a report recommending this Court reverse and remand the Commissioner's decision.^{2/} The Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **REVERSES AND REMANDS** the Commissioner's decision for further proceedings.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.^{3/}

^{1/} Doc. [1](#).

^{2/} Doc. [20](#).

^{3/} [28 U.S.C. § 636\(b\)\(1\)](#).

Case No. 1:13-CV-1933
Gwin, J.

Parties must file any objections to a Report and Recommendation within fourteen days of service.^{4/} Failure to object within that time waives a party's right to appeal the magistrate judge's recommendation.^{5/} Absent objection, a district court may adopt the magistrate judge's report without review.^{6/}

In this case, neither party objected to the Magistrate Judge's recommendation.^{7/} Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference. The Court **REVERSES AND REMANDS** the Commissioner's decision for further proceedings.

IT IS SO ORDERED.

Dated: July 8, 2014

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{4/} [Fed. R. Civ. P. 72\(a\)](#).

^{5/} *Id.*; see [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

^{6/} [Thomas](#), 474 U.S. at 149.

^{7/} Defendant has filed a response indicating it will not object. Doc. [21](#).